

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

TERENCE ANDREW RYAN

CASE NO: 08-70072-HDH-13

HEARING DATE: 12/17/2008

HEARING TIME: 11:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2006-08 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount
008 0 U	CBC	\$116.00

Trustee Clm#	Creditor Name	Scheduled Amount
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**II.**

**SPECIFIC OBJECTIONS**

The Trustee hereby objects to the following claims, on behalf of the Debtor, for the reason(s) indicated below each claim listed.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount
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**PRIORITY CREDITORS**

0330 FRANCHISE TAX BOARD	TAXES -- LATE FILED	\$2,183.26
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Not provided for in confirmed plan. Trustee objects to clerk's claim #14 filed by Franchise Tax Board. Claim is late filed & Trustee request claim be disallowed in full

**III.**

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
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**SECURED CREDITORS**

016 0 USE FEDERAL CREDIT UNION	2003 CHEVY ASTRO VAN	\$15,600.13	\$15,600.13	10.25%	60	\$355.97	PAID BY TRUSTEE
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**PRIORITY CREDITORS**

0030 * INTERNAL REVENUE SERVICE	06 INCOME TAXES	\$508.00	60	\$3.60	PAID BY TRUSTEE
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0120 JEFFERSON COUNTY DEPT OF HUMAN SERVICES	CHILD SUPPORT ARREARS	\$51,316.00	PD DIRECT BY DEBTOR
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015 0 * FRANCHISE TAX BOARD	06-07 STATE FRANCHISE TAXES	\$2,183.26	60	\$35.72	PAID BY TRUSTEE
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**UNSECURED GENERAL CREDITORS**

Trustee Clm#	Creditor Name	Claim Amount
0100 U	ECAST SETTLEMENT CORPORATION PURCHASES/HOME DEPOT CITIBANK USA	\$1,653.30

Trustee Clm#	Creditor Name	Claim Amount
0110 U	RESURGENT CAPITAL SERVICES PURCHASES/CITIFINANCIAL	\$8,633.18

0140 U	Case 08-70072-hdh13	Doc 34	Filed 10/10/08	Entered 10/10/08 08:44:10	Desc
	ECAST SETTLEMENT CORPORATION		\$780.11	0170 U	RESURGENT CAPITAL SERVICES
	PURCHASES/LOWES				PURCHASES/WAMU/PROVIDIAN
0180 U	CAPITAL ONE	\$846.92		0190 U	CAPITAL ONE
	PURCHASES				PURCHASES
0200 U	CAPITAL ONE	\$2,123.20		0210 U	CAPITAL ONE
	PURCHASES				PURCHASES
0220 U	INTERNAL REVENUE SERVICE	\$2,334.06		0230 U *	INTERNAL REVENUE SERVICE
	02-03 INCOME TAXES				PENALTY
					Not provided for in confirmed plan.
0240 U	USE FEDERAL CREDIT UNION	\$1,597.32		0320 U *	RESURGENT CAPITAL SERVICES
	PURCHASES				PURCHASES
					Not provided for in confirmed plan.

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

## IV.

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2006-08 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Clerk's claim #14 filed by Franchise Tax Board for \$2,183.26 shall be disallowed in full.

/s/ Walter O'Cheskey

## Walter O'Cheskey Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 12/17/2008 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2006-08 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 10/9/2008

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

CAPITAL ONE BANK 11013 W BROAD ST GLEN ALLEN VA 23060  
CAPITAL ONE C/O TSYS DEBT MANAGEMENT PO BOX 5155 NORCROSS GA 30091  
CAROL SEWING 543 PROMENTORY DR LOVELAND CO 80538  
CBC 1300 W MAIN ST VISALINA CA 93291  
CITI PO BOX 6033 HAGERSTOWN MD 21747  
CITIFINANCIAL PO BOX 499 HANOVER MD 21076  
ECAST SETTLEMENT CORPORATION PO BOX 35480 NEWARK NJ 07193  
FRANCHISE TAX BOARD SPECIAL PROCEDURES PO BOX 2952 SACRAMENTO CA 95812  
INTERNAL REVENUE SERVICE PO BOX 21125 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE SPECIAL PROCEDURES 1100 COMMERCE ST MC 5027DAL DALLAS TX 75248  
JEFFERSON COUNTY DEPT OF HUMAN SERVICES CHILD SUPPORT ENFORCEMENT PROGRAM 3500 ILLINOIS ST SUITE 1300 GOLDEN CO 80401  
KENT & NANCY PETTUS 908 PARK GRAHAM TX 76450  
LOWES/MBGA PO BOX 103065 ROSWELL GA 30076  
MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301  
PATRICIA MCGROARTY 1301 HILLCREST DRIVE GRAHAM TX 76450  
RESURGENT CAPITAL SERVICES PO BOX 10587 GREENVILLE SC 29603  
STATE OF CALIFORNIA FRANCHISE TAX BOARD PO BOX 942867 SACRAMENTO CA 94267  
TERENCE ANDREW RYAN 1301 HILLCREST DRIVE GRAHAM TX 76450  
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE 3RD FLOOR DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530  
USE FEDERAL CREDIT UNION 10120 PACIFIC HEIGHTS B1 SAN DIEGO CA 92121  
WASHINGTON MUTUAL/PROVIDIAN PO BOX 9180 PLEASANTON CA 94566  
WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242